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09/813,112	03/21/2001	Petter Ericson	3782-0124P	8117
2292	7590	11/28/2007		
BIRCH STEWART KOLASCH & BIRCH	EXAMINER			
PO BOX 747	DISTEFANO, GREGORY A			
FALLS CHURCH, VA 22040-0747	ART UNIT		PAPER NUMBER	
	2176			
	NOTIFICATION DATE		DELIVERY MODE	
	11/28/2007		ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Art Unit: 2176

1. This communication is in response to the order returning undocketed appeal to examiner on 11/15/2007.
2. As per the 11/15/2007 order, issue number 1, a determination regarding the status of claim 31 is to be made.

The status of claim 31 is found to be that of rejection under 35 U.S.C. 102(b) in view of Lazzouni (US Patent Number 5,652,412). The rejection of claim 31 under 35 U.S.C. 103(a) in the final rejection mailed on 1/4/2006 was an unintentional oversight.

As recited from page 25 of the 1/4/2006 final rejection:

"Claim 31:

Lazzouni, in view of Dymetman, discloses/teaches the method of Claim 22 (see the above rejection for Claim 22), wherein the readable code comprises symbols associated with grid points of a grid and codes a plurality of positions on the surface, wherein each position is coded by a plurality of the symbols, and wherein each symbol contributes to the coding of more than one of the plurality of positions (This limitation corresponds to the first element recited in Claim 1. Thus, as indicated in the above rejection for Claim 1, Lazzouni discloses these limitations.)."

As may be seen from the cited rejection, claim 22 was cited as being rejected under Lazzouni in view of Dymetman. As may further be seen in the 1/4/2006 final rejection, claim 22 was in fact rejected under 35 U.S.C. 102(b) in view of Lazzouni (see pages 10-13).

As stated in the rejection of 31, "This limitation corresponds to the first element recited in Claim 1. Thus, as indicated in the above rejection for Claim 1, Lazzouni discloses these limitations." As claim 1 was also rejected under 35 U.S.C. 102(b) over Lazzouni, there was no direct reliance upon 35 U.S.C. 103(a), or of the Dymetman reference, in the rejections of claims 1, 22 or 31.

The proper statement of rejection for claim 31, should read:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 31 is rejected under 35 U.S.C. 102(b) as being anticipated by Lazzouni et al. (US 5,652,412).

Claim 31:

Lazzouni discloses/teaches the method of claim 22 (see the above rejection for Claim 22), wherein the readable code comprises symbols associated with grid points of a grid and codes a plurality of positions on the surface, wherein each position is coded by a plurality of the symbols, and wherein each symbol contributes to the coding of more than one of the plurality of positions (This limitation corresponds to the first element recited in Claim 1. Thus, as indicated in the above rejection for Claim 1, Lazzouni discloses these limitations.).

3. The Examiner's Answer mailed on 5/15/2007 corrects this oversight as listing claim 31 as being rejected under 35 U.S.C. 102(b) in view of Lazzouni (see page 4) and stating on page 18, in regard to Claim 31, "Lazzouni discloses the method of Claim 22". Therefore, revision of the Examiner's Answer is not found to be necessary.

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4. As per the 11/15/2007 order, issue number 2, no further action is found to be appropriate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory A. DiStefano whose telephone number is (571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.- Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAD
11/19/2007

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